

vania Avenue, Washington, D. C., and continue thereafter at such times and places as said officer may designate.

Upon the completion of testimony in this matter the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 1494—Filed, July 30, 1936; 12:47 p. m.]

Saturday, August 1, 1936

No. 101

PRESIDENT OF THE UNITED STATES.

CROATAN NATIONAL FOREST—NORTH CAROLINA

By the President of the United States of America

A PROCLAMATION

WHEREAS certain forest lands within the State of North Carolina have been or may hereafter be acquired by the United States of America under the authority of sections 6 and 7 of the act of March 1, 1911, ch. 186, 36 Stat. 961, as amended (U. S. C., title 16, sections 515, 516); and

WHEREAS it appears that it would be in the public interest to reserve and designate such lands as the Croatan National Forest:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 24 of the act of March 3, 1891, ch. 561, 26 Stat. 1095, 1103, as amended (U. S. C., title 16, section 471), and by section 11 of the said act of March 1, 1911 (U. S. C., title 16, section 521), do proclaim that there are hereby reserved and set apart as the Croatan National Forest all lands of the United States within the following-described area, and that all lands therein which may hereafter be acquired by the United States under authority of said act of March 1, 1911, as amended, shall upon their acquisition be reserved and administered as a part of the Croatan National Forest:

Beginning at the confluence of Brices Creek and Trent River about two miles south of New Bern in the State of North Carolina; thence southerly up Brices Creek to the confluence with Lees Branch; thence up Lees Branch about one mile to where the Rockwell line leaves it northward; thence with the Rockwell line northerly about $\frac{3}{4}$ mile; thence with the Rockwell line easterly to the Norfolk Southern Railway; thence with the Norfolk Southern Railway southeasterly about $1\frac{1}{2}$ miles to where road crosses leading to Camp KI-RO; thence with the road leading to Camp KI-RO northeasterly and continuing a straight course about one mile to Neuse River; thence down the right bank of Neuse River about 15 miles to the mouth of Clubfoot Creek; thence with Clubfoot Creek, the Old Inland Waterway and Harlowe Creek to Newport River; thence up the left bank of Newport River about 10 miles to State Highway No. 10; thence with said Highway southeasterly about 3 miles to the road leading to Catholic Orphanage Camp; thence along said road southward about $\frac{3}{4}$ mile to State Highway No. 24; thence with said Highway westward about 16 miles to White Oak River; thence up the left bank of White Oak River about 25 miles to State Highway No. 30; thence with said Highway northeasterly about $9\frac{1}{2}$ miles to Trent River; thence down the right bank of Trent River about 14 miles to the place of beginning.

The area described above is graphically shown on the diagram attached hereto and made a part hereof.¹

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States to be affixed.

¹ See p. 910.

DONE at the City of Washington this 29th day of July, in the year of our Lord nineteen hundred and thirty-six [SEAL] and of the Independence of the United States of America the one hundred and sixty-first.

FRANKLIN D. ROOSEVELT

By the President:

CORDELL HULL

Secretary of State.

[No. 2192]

[F. R. Doc. 1501—Filed, July 31, 1936; 11:01 a. m.]

TREASURY DEPARTMENT.

Bureau of Internal Revenue.

[T. D. 4671]

REFUNDS UNDER CERTAIN PROVISIONS OF THE AGRICULTURAL ADJUSTMENT ACT, AS AMENDED, AS REENACTED BY THE REVENUE ACT OF 1936

ARTICLE 2 (A) OF TREASURY DECISION 4486 AND ARTICLES 3 AND 10 OF REGULATIONS 83, AMENDED

To Collectors of Internal Revenue and Others Concerned:

PAR. A. Section 601 of the Revenue Act of 1936^{*} provides in part:

(a) The provisions of sections 10 (d), 15 (a), 15 (c), 16 (e) (1), 16 (e) (3), and 17 (a) of the Agricultural Adjustment Act, as amended, are hereby reenacted but only for the purpose of allowing refunds in accordance therewith in cases where the delivery for charitable distribution or use, or the exportation, or the manufacture of large cotton bags, or the decrease in the rate of the processing tax (or its equivalent under section 16 (e) (3)) took place prior to January 6, 1936.

(b) Except for refunds under section 15 (a) of the Agricultural Adjustment Act, as reenacted herein, no refund under this section shall be made to the processor or other person who paid or was liable for the tax with respect to the articles on which the claim is based. No refund under this section shall be allowable to any person with respect to any articles where such person prior to January 6, 1936, paid an amount as tax under the Agricultural Adjustment Act, as amended, by taking as a credit against such amount an amount otherwise allowable as a refund with respect to such articles under sections 15 (a), 15 (c), 16 (e) (1), 16 (e) (3), or 17 (a) of said Act. No refund under this section shall be allowed to any person except to the extent that he establishes that he has not received, and is not entitled to receive, reimbursement of such amount from the processor or other vendor with respect to the articles on which the claim is based. No claim under this section (except claims of processors under section 15 (a)) shall be disallowed on the ground that the tax with respect to the article or the commodity from which processed has not been paid.

(c) No refund under this section shall be made unless the claimant files a claim therefor prior to January 1, 1937, under rules and regulations prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, and no claim shall be allowed in an amount less than \$10.

(f) No interest shall be allowed in connection with any refund made under this section.

(g) Section 16 (e) (1) of the Agricultural Adjustment Act, as reenacted by subsection (a) of this section, is amended by striking out "subsequent to June 28, 1934" and by inserting in lieu thereof "on or after June 1, 1934."

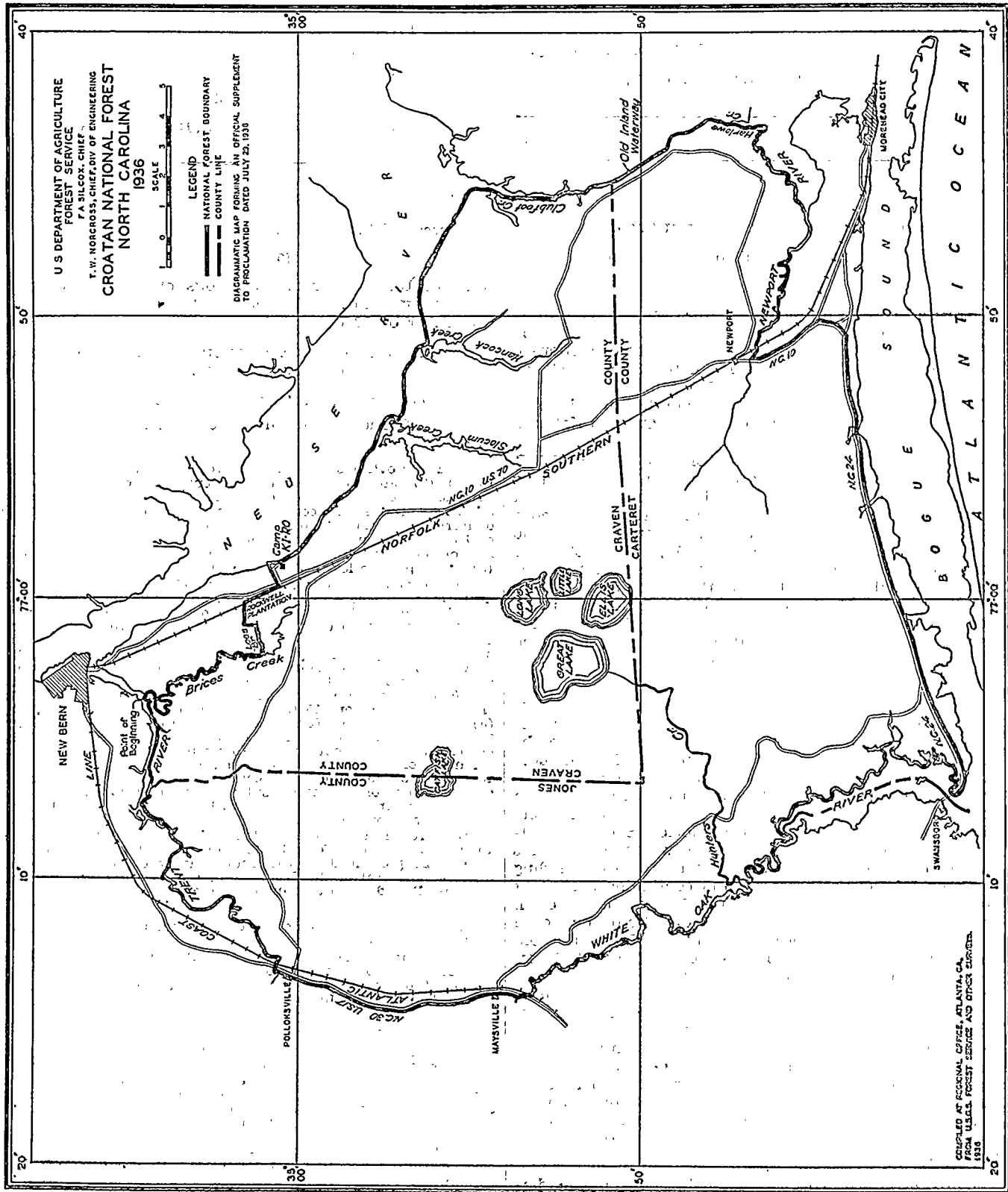
PAR. B. Section 603 of the Revenue Act of 1936 provides:

The proclamations, certificates, and regulations prescribed by the Secretary of Agriculture under the Agricultural Adjustment Act, as amended, in effect on January 5, 1936, insofar as not inconsistent with this Act, are hereby made applicable for the purpose of determining the amount of any refund or payment authorized under sections 601 and 602.

PAR. C. Section 10 (d) of the Agricultural Adjustment Act, as reenacted by section 601 (a) of the Revenue Act of 1936, provides:

The Secretary of the Treasury is authorized to make such regulations as may be necessary to carry out the powers vested in him by this title.

^{*} 49 Stat. 1648, 1739.



Pursuant to the above quoted provisions of law, the following regulations are hereby prescribed:

ART. 1. *General provisions applicable to claims.*—The following general provisions are applicable with respect to claims for refund under these regulations:

(a) Claims for refund will be allowed only in cases where the delivery for charitable distribution or use, the exportation, the manufacture of large cotton bags, or the decrease in the rate of the processing tax (or its equivalent under section 16 (e) (3)), took place prior to January 6, 1936.

(b) No refund (except refunds under section 15 (a) of the Agricultural Adjustment Act) will be made to the processor or other person who paid or was liable for the tax with respect to the articles on which the claim is based. "Processor or other person who paid or was liable for the tax" means any person who, under the Agricultural Adjustment Act, as amended, paid, or incurred liability for but did not pay, processing tax with respect to the commodity from which the article was made, or floor stocks tax or compensating tax with respect to the article or the material from which the article was made.

(c) No refund will be made to any person with respect to any article included in a claim under these regulations if such person, prior to January 6, 1936, paid an amount as tax under the Agricultural Adjustment Act, as amended, by taking as a credit against such amount, an amount otherwise allowable as a refund with respect to such article. Credit includes any amount, otherwise allowable as a refund under sections 15 (a), 15 (c), 16 (e) (1), 16 (e) (3), or 17 (a) of the Agricultural Adjustment Act, as amended, which was deducted from an amount due as tax under that Act.

(d) Every person who files a claim under these regulations shall submit with the claim proof satisfactory to the Commissioner that with respect to the amount claimed he has not received, and is not entitled to receive, reimbursement of such amount, or any part thereof, from the processor of the commodity from which the articles were derived, or other vendor with respect to the articles on which the claim is based.

If any claimant has entered into an agreement, whether oral or written, with the processor or other vendor of such articles, under the provisions of which the claimant has received, or is entitled to receive reimbursement of all or any part of the tax with respect to such articles, then the amount of refund allowable is limited to the amount with respect to which he is not so entitled to reimbursement.

(e) (1) No claim (except claims of processors under section 15 (a) of the Agricultural Adjustment Act) will be disallowed on the ground that the tax with respect to the article on which the claim is based (or the commodity from which such article was processed) has not been paid.

(2) Each claim shall show, with respect to the articles on which the claim is based, that the claimant is not the processor or other person who paid or was liable for the tax, except that in the case of claims of processors under section 15 (a) of the Agricultural Adjustment Act, the claim shall show (1) the name and address of the person who paid the tax, (2) the kind of tax paid, (3) if processing tax was paid, the month and year of such processing, (4) the date of payment, and (5) the internal revenue district in which paid.

(f) No claim for refund will be allowed unless such claim shall have been filed by the person entitled thereto prior to January 1, 1937, and no refund will be allowed in an amount less than \$10.

(g) No interest will be allowed in connection with any refund allowed pursuant to section 601 of the Revenue Act of 1936.

ART. 2. *Refunds under section 15 (a) of the Agricultural Adjustment Act, as amended, with respect to large cotton bags.*—(a) The provisions of Treasury Decision 4486, approved October 23, 1934, insofar as not inconsistent with Article 1 of these regulations, are hereby made applicable in cases of claims for refund, with respect to large cotton bags manufactured during the period July 8, 1934, to January 5, 1936, both dates inclusive, and with respect to the processing of that amount of cotton, the product of which was used

in the manufacture of large cotton bags during the period June 13, 1934, to July 7, 1934, both dates inclusive.

(b) Article 2 (a) of Treasury Decision 4486 is hereby amended to read as follows:

ART. 2. *Claim to be filed by processor.*—(a) Each processor of cotton is entitled to refund of processing tax paid on the processing of that amount of cotton, the product of which was used in the manufacture of large cotton bags during the period beginning at the first moment of June 13, 1934, and ending at the last moment of July 7, 1934.

The claim for refund of tax paid after June 12, 1934, shall be executed on P. T. Form 24-X. The claim for refund of tax paid on or before June 12, 1934, shall be executed on P. T. Form 24-X, revised. The claim for refund shall be executed, under oath, in accordance with these regulations, and filed with the collector of internal revenue for the district in which the principal place of business of the claimant is located.

The grounds and facts alleged in support of the claim shall be completely set forth in detail and show (1) the month in which the processing of the cotton occurred which was used in the manufacture of the bags, (2) the date when the tax on such processing was paid, (3) the period during which the large cotton bags were manufactured, (4) the number, the total weight, and the content (i. e., whether lint cotton, card strips, or comb waste) of bags of each size manufactured, and (5) with respect to each size of bag, the width of the fabric used, in inches, before cutting, the number of yards per pound, the length of the cut of such fabric, and whether the fabric is unbleached not colored, or colored or bleached. The amount of refund claimed shall also be shown.

ART. 3. *Refunds under section 15 (c) of the Agricultural Adjustment Act, as amended, with respect to articles delivered for charitable distribution or use.*—The provisions of Treasury Decision 4454, approved July 26, 1934, insofar as not inconsistent with Article 1 of these regulations, are hereby made applicable in cases of claims for refund with respect to products delivered for charitable distribution or use.

ART. 4. *Refunds under section 16 (e) (1) of the Agricultural Adjustment Act, as amended, with respect to certain articles processed from tobacco.*—(a) The provisions of Treasury Decision 4494, approved November 8, 1934, insofar as not inconsistent with Article 1 of these regulations, are hereby made applicable in cases of claims for refund with respect to floor stocks of plug chewing tobacco or twist tobacco processed wholly or in chief value from fire-cured tobacco held for sale or other disposition at the first moment of August 1, 1934.

(b) The provisions of Treasury Decision 4530, approved March 8, 1935, insofar as not inconsistent with Article 1 of these regulations, are hereby made applicable in cases of claims for refund with respect to floor stocks of chewing tobacco, or scrap chewing tobacco, or scrap smoking tobacco processed wholly or in chief value from tobacco, other than Burley tobacco, held for sale or other disposition at the first moment of February 1, 1935.

(c) The provisions of Treasury Decision 4593, approved October 21, 1935, insofar as not inconsistent with Article 1 of these regulations, are hereby made applicable in cases of claims for refund with respect to floor stocks of chewing tobacco (except scrap) processed wholly or in chief value from Burley tobacco held for sale or other disposition at the first moment of February 1, 1935.

(d) The provisions of Treasury Decision 4610, approved December 4, 1935, insofar as not inconsistent with Article 1 of these regulations, are hereby made applicable in cases of claims for refund with respect to floor stocks of articles processed wholly or in chief value from fire-cured tobacco, or articles other than chewing tobacco processed wholly or in chief value from Burley or fire-cured tobacco held for sale or other disposition at the first moment of October 1, 1935.

ART. 5. *Refunds under sections 16 (e) (1), and 16 (e) (3) of the Agricultural Adjustment Act, as amended, with respect to certain articles processed from paper, jute fabric, and cotton.*—The provisions of Treasury Decision 4474, approved September 11, 1934, insofar as not inconsistent with Article 1 of these regulations, are hereby made applicable in cases of claims for refund with respect to multiwall paper bags weighing more than 200 pounds per 1,000 bags, or coated paper bags, or open-mesh paper bags, or paper

towels, or jute bags held for sale or other disposition at 12:01 A. M., Eastern Standard Time, June 12, 1934, or large cotton bags held for sale or other disposition at the first moment of June 13, 1934.

ART. 6. Refunds under section 17 (a) of the Agricultural Adjustment Act, as amended, with respect to articles exported.—(a) The provisions of Regulations 83, September 1934, Edition, insofar as not inconsistent with Article 1 of these regulations, are hereby made applicable in cases of claims for refund with respect to products exported.

(b) Article 3 (a) of Regulations 83, September 1934, Edition, is hereby amended to read as follows:

ARTICLE 3. Claim for refund.—(a) (1) *Who may file claim.*—

A. The consignor named in the bill of lading under which the product is exported shall be entitled to make claim for refund unless he shall have waived such right to the shipper. *Consignor named in the bill of lading* means the person named in the bill of lading as the person from whom the carrier received the product for shipment.

B. The shipper, if other than the consignor named in the bill of lading, shall be entitled to make claim for the refund only if the consignor shall have waived any claim to such refund to him. In such case, the term *shipper* means the person for whom the consignor named in the bill of lading is handling the product for shipment.

C. Where the product was not exported under a bill of lading, the person who owned the product at the time of exportation shall be entitled to make claim for refund, and a waiver may not be used.

D. No refund will be made to the processor or other person who paid or was liable for the tax with respect to the products exported.

(2) The claim for refund shall be executed by the claimant on the prescribed form, P. T. Form 27, Revised, in accordance with the instructions contained thereon, and in accordance with these regulations. The claim must be filed with the collector for the district in which is located the principal place of business of the claimant. If the claimant has no principal place of business in the United States, the claim must be filed with the collector at Baltimore, Maryland. One claim may cover a number of export shipments.

(c) Article 10 of Regulations 83, September 1934 Edition, is hereby amended to read as follows:

ARTICLE 10. Bills of lading.—(a) At the time of filing, a claim for refund shall be accompanied by a copy of the bill of lading issued by the proper representative of the carrier, covering the merchandise described in each application for inspection.

(b) *Waiver.*—If the claim is filed by the shipper there must be submitted with the claim a waiver, attached to the bill of lading, and executed by the consignor named in the bill of lading. The following form should be used:

-----, the consignor named in the bill of lading identified as -----, hereby
(Identify fully)

waives any claim to refund under the provisions of Section 17 (a) of the Agricultural Adjustment Act, as amended, with respect to the products exported as described in such bill of lading, and states that ----- is the shipper and the person entitled to such refund.

(Consignor named in bill of lading)
If the consignor is a corporation, a proper corporate signature must be affixed to the waiver attested by the Secretary of the corporation.

A waiver may be submitted covering a part of a shipment, but such waiver must completely identify that part of the shipment to which it relates and must be accompanied by a copy of the bill of lading.

(c) Each copy of the bill of lading shall be endorsed by the carrier as follows: "duplicate copy issued for internal revenue purposes."

[SEAL]

GUY T. HELVERING,

Commissioner of Internal Revenue.

Approved, July 27, 1936.

WAYNE C. TAYLOR,

Acting Secretary of the Treasury.

[F. R. Doc. 1512—Filed, July 31, 1936; 12:37 p. m.]

[T. D. 4672]

PAYMENT TO CERTAIN PERSONS, WHO, AT THE FIRST MOMENT OF JANUARY 6, 1936, HELD FOR SALE OR OTHER DISPOSITION ARTICLES PROCESSED FROM COMMODITIES SUBJECT TO PROCESSING TAX UNDER THE AGRICULTURAL ADJUSTMENT ACT

To Collectors of Internal Revenue and Others Concerned:

PARAGRAPH A. Section 602 of the Revenue Act of 1936 provides, in part:

(a) There shall be paid to any person who, at the first moment of January 6, 1936, held for sale or other disposition (including manufacturing or further processing) any article processed wholly or in chief value from a commodity subject to processing tax, an amount computed as provided in subsection (b), except that no such payment shall be made to the processor or other person who paid or was liable for the tax with respect to the articles on which the claim is based.

(b) The amount of the payment under subsection (a) shall be equal to the processing tax which would have been payable with respect to the commodity from which the article was processed, if it had been processed on January 5, 1936, but not in excess of (1) the amount of the burden of the tax with respect to the article which was shifted to the claimant in the price he paid for the article (to the extent that the claimant has not received and is not entitled to receive reimbursement for such burden from the processor or other vendor) and not in excess of (2) the amount of that part of the burden of the tax applicable to the articles held on January 6, 1936, which the claimant has not passed on to his vendees and has not included in the sale price of such articles. In lieu of a detailed schedule of articles, purchases, sale prices, and sales under clauses (1) and (2) of this subsection, the claimant may (subject to the approval of the Commissioner and such investigations as he may cause to be made) submit, as a part of his claim, an affidavit setting forth the total amount of tax burden passed on to him on the articles with respect to which claim is made; the total amount of such burden for which he has received or is entitled to receive reimbursement from the processor or other vendor; the total amount of such burden that he has passed on to his vendees or has included in the sale prices of such articles; and the total amount of such burden that he has borne himself.

(c) As used in this section—

(1) The term "commodity subject to a processing tax" means a commodity upon the processing of which a tax was provided for under the Agricultural Adjustment Act, as amended, as of January 5, 1936.

(2) The term "tax with respect to the article" means any tax under the Agricultural Adjustment Act, as amended, with respect to the article (or with respect to any commodity or other article from which it was processed).

(3) The term "sale price" includes the price at which the claimant actually sold the article or articles prior to the date of the filing of his claim or, if the article or articles have not been sold, the price at which he is offering the same for sale on the date of the filing of his claim.

(d) No payment shall be made under this section unless the claimant files a claim therefor prior to January 1, 1937, in conformity with regulations prescribed by the Commissioner with the approval of the Secretary, nor unless he establishes to the satisfaction of the Commissioner the facts on which such claim is based.

(e) No claim under this section shall be disallowed on the ground that the tax with respect to the article or the commodity from which processed has not been paid, but no claim shall be allowed in an amount less than \$10. No payment shall be made under this section in connection with any article with respect to which a refund has been allowed or credit has been taken under the Agricultural Adjustment Act, as amended, or a refund has been allowed or is allowable under section 601 of this title.

(f) No payment shall be made under this section with respect to articles held in retail floor stocks except (1) flour, prepared flour, cereal preparations, and gluten, made chiefly from wheat, as classified in Wheat Regulations, Series 1, Supplement 1, promulgated under the Agricultural Adjustment Act and the amendments thereto, (2) articles processed wholly or in chief value from cotton, and (3) direct-consumption sugar processed from sugar beets or sugarcane. No payment under this section shall be made with respect to articles processed from wheat, sugar beets, or sugarcane held in other than retail stocks except (1) flour, prepared flour, cereal preparations, and gluten, made chiefly from wheat, as classified in Wheat Regulations, Series 1, Supplement 1, and (2) direct-consumption sugar.

(g) In the case of articles which were agreed to be sold under a contract entered into prior to January 6, 1936, whereby the vendee agreed to pay a price including the amount of the tax with respect to the articles, but which were not delivered prior to such date, the vendee shall be considered the holder of such articles.

(j) No interest shall be allowed in connection with any payment made under this section.

PARAGRAPH B. Section 603 of the Revenue Act of 1936 provides:

The proclamations, certificates, and regulations prescribed by the Secretary of Agriculture under the Agricultural Adjustment Act, as amended, in effect on January 5, 1936, in so far as not inconsistent with this Act, are hereby made applicable for the purpose of determining the amount of any refund or payment authorized under sections 601 and 602.

Pursuant to the above-quoted provisions of law, the following regulations are hereby prescribed:

ART. 1. Definitions.—The following definitions are hereby prescribed:

(a) *Person* includes an individual, a corporation, a partnership, a trust or estate, a joint stock company, an associa-

tion, or a syndicate, group, pool, joint-venture, or other unincorporated organization or group, through or by means of which any business, financial operation, or venture is carried on. It includes a guardian, committee, trustee, executor, administrator, trustee in bankruptcy, receiver, assignee for benefit of creditors, conservator, or any person acting in a fiduciary capacity.

(b) *Commodity* means any of the following: wheat, cotton, field corn, hogs, peanuts, rice, rye, sugar beets and sugarcane, tobacco, paper when processed into certain articles (as defined in Treasury Decision 4495), jute yarn when processed into jute twine (as defined in Treasury Decision 4495), jute fabric when processed into small jute bags (as defined in Treasury Decision 4495), and reinforced paper fabric when processed into reinforced paper fabric tape (as defined in Treasury Decision 4611).

(c) *Processor* means the person who incurred, under the Agricultural Adjustment Act, as amended, liability for tax on the first domestic processing of a commodity, the products of which may be made the basis of a claim for payment under section 602 of the Revenue Act of 1936.

(d) *Burden of tax* means that amount included in the value or price of an article which is attributable to processing tax, floor stocks tax, or compensating tax, imposed under the Agricultural Adjustment Act, as amended.

(e) *Sale price* includes the price at which the claimant actually sold the article or articles prior to the date of the filing of his claim or, if the article or articles have not been sold, the price at which he is offering the same for sale on the date of the filing of his claim.

(f) *Commodity subject to a processing tax* means a commodity upon the processing of which a tax was provided for, as of January 5, 1936, under the Agricultural Adjustment Act, as amended.

(g) *Tax with respect to the article* means any tax under the Agricultural Adjustment Act, as amended, with respect to the article (or with respect to any commodity or other article from which it was processed).

(h) *Sale or other disposition (including manufacturing or further processing)* includes the parting with ownership of the article in question, whether done by sale, trade, barter, exchange, gift, or other method of disposition, and it includes (as to articles held by any person other than the ultimate consumer thereof) manufacturing, further processing, or use in production. It includes a lease with an option to purchase, a conditional sale, an installment sale, or any other contractual arrangement contemplating the ultimate transfer of ownership. An article held at the first moment of January 6, 1936, for sale or other disposition (including manufacturing or further processing) is, nevertheless, so held by the owner thereof, although on such date the article is—

- (1) in transit to or from the owner;
- (2) in a common or public warehouse;
- (3) in the custody of the law, whether or not in the possession of an officer of the court or any other public officer;
- (4) in the possession of any other persons, whether or not an agent, employee, factor, or commission merchant.

(i) *Article processed wholly or in chief value from a commodity* means an article made entirely from a commodity, or an article made of two or more components, the commodity constituting a component having a value greater than that of any other component. An article is made from a commodity when the commodity or any of its processed forms has been used in making the article. In determining the value of the commodity as a component, the combined values of the commodity and of every processed form of it used in making the article, shall be the value of the commodity as a component. In determining the component having the greatest value, the value of each of the several components shall be the value at the moment immediately preceding the production of the article in question. The

term "value" relates only to the value of the components of an article and not to the value of the container in which such article is held for sale or other disposition.

(j) *Retail stock* means only a separate stock of articles which are held for sale directly to consumers in an establishment or separate department where articles are sold exclusively at retail. In the case of a person engaged in both retail and wholesale trade, the term includes only a separate stock of articles held in a separate establishment or department where sales are made exclusively at retail, and does not include a stock of articles from which sales are made either at retail or wholesale. Articles in transit to the owner are to be deemed a part of retail stocks only if placed therein immediately upon arrival (see also Article 5 (d)). Retail stocks Do Not Include:

(1) Articles held elsewhere than in a separate retail stock, or for placement in stocks from which sales may be made both at retail or wholesale.

(2) Articles held at the first moment of January 6, 1936, in a warehouse of any kind, or in transit thereto.

(3) Articles wherever held which are not to be sold as such, but are to be used in any way in the manufacture or production of other articles.

(k) *Warehouse*.—The term "warehouse" is to be construed in accordance with its broadest usage.

(l) *Commissioner* means the Commissioner of Internal Revenue.

(m) *Collector* means collector of internal revenue.

(n) *First moment of January 6, 1936*, means the beginning of such day determined in accordance with the law regulating standard time zones, that is to say, that such date with respect to any particular place shall be in accordance with the United States standard time for the zone within which such place is located.

(o) *Includes and including* when used in a definition shall not be deemed to exclude other things otherwise within the meaning of the term defined.

ART. 2. *General—Payment with respect to floor stocks*.—(a) Subject to the limitations and exceptions set forth in this Article, any person (not a processor or other person who paid or was liable for the tax with respect to the article) who, at the first moment of January 6, 1936, held for sale or other disposition (including manufacturing or further processing) any article processed wholly or in chief value from a commodity subject to a processing tax, is entitled to a payment of an amount equivalent to such tax which would have been payable with respect to the commodity from which the article was processed, if the processing had occurred on January 5, 1936.

1. *Limitation as to burden of tax*.—The amount of the payment with respect to an article shall not be in excess of (A) the amount of the burden of the tax with respect to the article which was shifted to the claimant in the price he paid for the article or the material from which it was made (to the extent that the claimant has not received and is not entitled to receive reimbursement for such burden from the processor or other vendor) and not in excess of (B) the amount of that part of the burden of the tax applicable to the article, which the claimant has not passed on to his vendee and has not included in the sale price of such article. A claimant is entitled to receive reimbursement for the tax burden from a processor or other vendor, if the claimant has entered into an agreement, written or oral, with the processor or other vendor, providing for repayment to the claimant of part or all of the burden of the tax passed on to him in the price paid for the article or the material from which it was made.

2. *Limitation as to duplication of payment*.—No payment shall be made as to any article with respect to which a refund has been allowed or credit taken under the Agricultural Adjustment Act, as amended; or with respect to which a refund has been allowed or is allowable under section 601 of the Revenue Act of 1936.

3. *Exception as to retail stocks.*—No payment is allowable with respect to articles held in retail stocks except:

(A) Flour, prepared flour, cereal preparations, and gluten (as defined in Treasury Decision 4579) made chiefly from wheat.

(B) Articles processed wholly or in chief value from cotton.

(C) Direct-consumption sugar (as defined in Treasury Decision 4549) processed from sugar beets or sugarcane.

4. *Exception as to articles processed from wheat, sugar beets, or sugarcane held in other than retail stocks.*—No payment is allowable with respect to articles processed from wheat, sugar beets, or sugarcane, held in other than retail stocks, except:

(A) Flour, prepared flour, cereal preparations, and gluten (as defined in Treasury Decision 4579) made chiefly from wheat.

(B) Direct-consumption sugar (as defined in Treasury Decision 4549).

(b) *Person entitled to payment.*—Payment may be allowed only to the owner of the article held for sale or other disposition at the first moment of January 6, 1936. Ownership or title is determined according to the law of goods and other personal property. In the case of articles which were not delivered at the first moment of January 6, 1936, but which were agreed to be sold under a contract, entered into prior to January 6, 1936, under which the vendee contracted to pay a price including the amount of the tax with respect to such articles, the vendee shall be considered the holder of such articles.

No payment with respect to any article may be made to the processor or other person who paid or who was liable for the tax with respect to such article. This includes any person who, under the Agricultural Adjustment Act, as amended, paid, or incurred liability for but did not pay, processing tax with respect to the commodity from which the article was made, or floor stocks tax or compensating tax with respect to the article or the material from which the article was made.

ART. 3. *Claim for payment.*—(a) A claim for payment shall be executed on the prescribed form, under oath, in accordance with the instructions printed on such form, and in accordance with these regulations. P. T. Form 71 is prescribed as the form on which shall be filed claim for payment with respect to articles held elsewhere than in separate retail stocks. P. T. Form 72 is prescribed as the form on which shall be filed claim for payment with respect to articles held in separate retail stocks. Copies of the prescribed forms may be obtained from any collector of internal revenue.

(b) The claim shall be filed with the collector of internal revenue for the district in which the principal place of business of the claimant is located. If the claimant has no principal place of business in the United States, the claim shall be filed with the Collector of Internal Revenue at Baltimore, Maryland.

(c) The claim shall be signed by the claimant, and shall be sworn to (or affirmed) by him, if an individual, or, if a corporation or firm, by a duly authorized officer or member thereof.

(d) No claim shall be disallowed as to any article on the ground that the tax with respect to such article (or the commodity or material from which made) has not been paid.

ART. 4. *Determination of amount of payment.*—The amount of payment with respect to each article shall be determined in accordance with the definitions and classifications of articles and the rates of refund contained in the Treasury Decisions herein listed, which definitions, classifications, and rates are hereby made a part of these regulations:

Articles processed from:

Cotton, Treasury Decision 4433.

Field corn, Treasury Decision 4407.

Hogs, Treasury Decision 4518.

Jute yarn, Treasury Decision 4495.

Jute fabric, Treasury Decision 4495.

Paper, Treasury Decision 4495.

Peanuts, Treasury Decision 4489.

Reinforced paper fabric, Treasury Decision 4611.

Rice, Treasury Decision 4586.

Rye, Treasury Decision 4601.

Sugar beets and sugarcane, Treasury Decision 4549.

Tobacco, Treasury Decision 4610.

Wheat, Treasury Decision 4579.

ART. 5. *Proof of claim.* (a) *General.*—Each claim shall be supported by proof satisfactory to the Commissioner (see Paragraph (b) of this Article), (1) that the claimant is not the processor or other person who paid or was liable for the tax with respect to the articles on which the claim is based, (2) that the amount of the payment claimed is not in excess of that part of the burden of the tax with respect to such articles which was shifted to the claimant in the price he paid for the articles or the material from which they were made, (3) that the amount claimed does not include any part of such burden for which the claimant has received or is entitled to receive reimbursement from the processor or other vendor, and (4) that the amount claimed is not in excess of that part of the burden of the tax applicable to the articles held on January 6, 1936, which the claimant has not passed on to his vendees and has not included in the sale price of such articles.

The grounds and facts alleged in support of the claim must be set forth in detail, including (A) the name and address of the claimant, (B) a complete description of the articles forming the basis of the claim (classified in accordance with the applicable Treasury Decision (see Article 4), (C) the amount of payment claimed with respect to each article, stated separately as to each commodity from which such article was processed, and (D) the total amount for which payment is claimed.

(b) *Affidavit as to tax burden.*—The claimant shall submit, as a part of his claim, an affidavit setting forth with respect to each commodity from which were processed the articles on which the claim is based, (1) the total amount of the burden of the tax passed on to him, (2) the total amount of such burden for which the claimant has received or is entitled to receive reimbursement from the processor or other vendor, (3) the total amount of such burden that the claimant has passed on to his vendees or has included in the sale price of such articles, and (4) the net amount of such burden that the claimant has borne himself, which net amount shall be the amount for which claim is made. The Commissioner, subject to such investigations as he may cause to be made, may accept such affidavit as proof of claim without requiring the claimant to submit schedules of articles, purchases, sale prices and changes therein, and sales, to establish separately as to each article the facts required to be established by clauses (1) and (2) of subsection (b) of section 602 of the Revenue Act of 1936. Submission of such affidavit does not relieve the claimant of the necessity of submitting as part of his claim schedules of articles on hand at the first moment of January 6, 1936, required in Paragraph (e) of this Article.

(c) *Special schedules respecting tax burden.*—The Commissioner may require that the claimant shall, in addition to the affidavit as to tax burden required in Paragraph (b) of this Article, submit in support of his claim such special schedules and such other evidence as he may deem necessary to establish the extent to which the claimant has borne the burden of the tax. Among other things, the claimant shall, when required by the Commissioner, submit with respect to any or all articles forming the basis of his claim a special schedule or schedules of such information as may be necessary to meet such requirements, including (1) the name and address of the processor or other vendor; (2) the purchase price; (3) the amount of the tax burden included in the purchase price; (4) the amount of the tax burden for which the claimant has received or is entitled to receive reimbursement from the processor or other vendor; (5) sale prices in effect on January 5, 1936, with respect to the articles; (6) the actual sale price; and (7) the amount of the tax burden

passed on by the claimant to his vendees or included by the claimant in the actual sale prices. Each such schedule shall include or be accompanied by a statement, under oath, of the person making it that it is true and correct and that it is executed and submitted for the purpose of obtaining a payment under section 602 of the Revenue Act of 1936.

(d) *Inventory*.—The claimant shall make or cause to be made an itemized inventory or inventories of all articles with respect to which payment is claimed which were held by the claimant for sale or other disposition (including manufacturing or further processing) at the first moment of January 6, 1936. Separate inventories shall be made with respect to such articles as were held (1) in or on each place of business, store, shop, branch, or establishment in or on which the claimant conducts his business; (2) in or on each warehouse or place of storage of any kind; (3) in transit; (4) in separate retail stocks.

An agent or other person holding articles on consignment or other similar arrangements for the claimant shall make a separate inventory of the articles so held.

Articles which were in transit at the first moment of January 6, 1936, shall not be included in any claim on P. T. Form 71 or P. T. Form 72 unless the claimant submits therewith a statement from the other party involved in the transaction, setting forth the identity of each such shipment, a full description of the articles contained therein, and a statement that such articles have not been and will not be included in any claim filed by him under section 602 of the Revenue Act of 1936.

A separate inventory shall also be made with respect to articles not delivered at the first moment of January 6, 1936, but which were agreed to be sold under a contract entered into by the claimant with his vendor prior to January 6, 1936, under which the claimant agreed to pay to such vendor a price including the amount of the tax with respect to such articles.

Each inventory shall be made in duplicate. In the case of articles held at more than one location (or by the vendor, or any person holding articles for him, under the type of contract referred to above), the original of the inventory shall be forwarded by the person making it to the principal place of business of the claimant and the duplicate copy retained on the premises where the articles were held, or, in the case of articles in transit, at the principal place of business of the claimant.

The various inventories received by the claimant from the different locations shall be assembled, and the quantity of the articles with respect to which payment is claimed, shown on the separate inventories, shall be consolidated by the claimant to form a consolidated inventory. The consolidated inventory shall be retained at the principal place of business of the claimant or at some other safe and accessible location. The foregoing inventory or inventories shall be preserved at the place prescribed for a period of four years from the date of filing the claim.

Each article listed on the foregoing inventory or inventories shall be classified strictly in accordance with the definition and classification prescribed therefor in the applicable Treasury Decision.

Articles with respect to which a refund has been allowed or credit taken under the Agricultural Adjustment Act, as amended, or a refund has been allowed or is allowable under section 601 of the Revenue Act of 1936 (including credit or refund with respect to large cotton bags) shall not be inventoried.

(e) *Schedule*.—The claimant shall enter, on the appropriate schedule or schedules which constitute a part of the claim, all articles forming the basis of his claim. Such schedule or schedules shall be prepared by the claimant from the inventory or inventories referred to in Paragraph (d) of this Article. Such articles shall be classified strictly in accordance with the definition and classification prescribed therefor in the applicable Treasury Decision (see Article 4). Such articles shall be inventoried on the particular schedule for the commodity from which the articles

were processed, e. g., all cotton articles shall be listed only on the schedule prescribed for listing articles processed from cotton, etc.

Cotton bags, and laundry nets and dye nets, other than large cotton bags, shall be listed on P. T. Form 74 supplement to Schedule A. This supplemental schedule shall be securely attached to, and made a part of Schedule A in the appropriate claim on P. T. Form 71 or 72. Copies of P. T. Form 74 may be obtained from any collector of internal revenue.

ART. 6. *Limitation as to time for filing claim*.—No payment shall be made unless claim therefor is filed by the person entitled thereto prior to January 1, 1937.

ART. 7. *Limitation as to amount of claim*.—No claim shall be allowed for an amount less than \$10.00.

ART. 8. *Limitation as to payment of interest*.—No interest shall be allowed in connection with any claim for payment.

ART. 9. *Oath*.—Any oath required shall be administered by an officer authorized to administer oaths generally and under seal, or by a deputy collector of internal revenue or revenue agent.

ART. 10. *Geographical scope*.—The provisions of these regulations shall apply to the United States, the District of Columbia, the Territories of Hawaii and Alaska, Puerto Rico, and with respect to direct-consumption sugar processed from sugar beets and sugarcane, to the Philippine Islands.

ART. 11. *Records*.—Any person who files a claim for payment shall preserve for four years thereafter a complete and detailed record of the facts upon which the claim was based. Except as otherwise provided in these regulations, the books, records, papers, documents, etc., upon which the matter set forth in such claim was based shall be kept on file at the principal place of business of the claimant, or at some other accessible and safe location, and shall be open for inspection at all times by any internal revenue officer. The records shall be kept in such manner, and shall contain such information, as will enable the Commissioner to determine the correct amount due the claimant.

ART. 12. *Penalty for falsification or concealment*.—Section 35, as amended, United States Criminal Code, provides for a fine of \$10,000.00 or 10 years imprisonment, or both; for the filing of a false claim, for making a false statement in an affidavit, or for falsifying, concealing, or covering up by any trick, scheme, or device, a material fact in connection with a claim.

[SEAL]

GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: July 27, 1936.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 1511—Filed, July 31, 1936; 12:35 p. m.]

DEPARTMENT OF THE INTERIOR.

General Land Office.

AIR NAVIGATION SITE WITHDRAWALS REDUCED

JULY 8, 1936.

Under and pursuant to section 4 of the act of May 24, 1928 (45 Stat. 723), departmental orders of July 24 and December 29, 1928, May 4, 1929, January 23 and April 15, 1931, April 19 and June 27, 1933, and October 2, 1934, withdrawing certain public lands in California, Nevada, Utah, and Wyoming, for use by the Department of Commerce as air navigation sites, are hereby revoked in so far as they affect the following-described lands, which are no longer required for such purpose:

CALIFORNIA

San Bernardino Meridian

T. 11 N., R. 4 E., SE $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 26;

T. 15 N., R. 11 E., SD $\frac{1}{4}$ sec. 8;

T. 16 N., R. 13 E., S $\frac{1}{2}$ sec. 12; aggregating 520 acres in California;

NEVADA

Mt. Diablo Meridian

T. 19 N., R. 21 E., SE $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 8;T. 23 N., R. 29 E., NW $\frac{1}{4}$ sec. 24; aggregating 200 acres in Nevada;

UTAH

Salt Lake Meridian

T. 4 N., R. 3 W., Lot 6 sec. 30;

T. 7 N., R. 6 W., SE $\frac{1}{4}$ sec. 10 and NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 14; aggregating 200 acres in Utah;

WYOMING

Sixth Principal Meridian

T. 13 N., R. 119 W., SW $\frac{1}{4}$ sec. 32, aggregating 160 acres in Wyoming.

T. A. WALTERS,

Acting Secretary of the Interior.

[F. R. Doc. 1499—Filed, July 31, 1936; 9:33 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

NER—B-1, Revised—Supplement (e)

Issued July 31, 1936

1936 AGRICULTURAL CONSERVATION PROGRAM—NORTHEAST REGION

BULLETIN NO. 1, REVISED—SUPPLEMENT (E)

Pursuant to the authority vested in the Secretary of Agriculture under section 8 of the Soil Conservation and Domestic Allotment Act, Northeast Region Bulletin No. 1 Revised, as heretofore amended, is amended as follows:

1. Section 5 of Part II of such bulletin is amended to read as follows:

SECTION 5. Increase in Acreage of Tobacco.—If the acreage of any kind of tobacco (except types 61 and 61a) on any farm in 1936 exceeds the tobacco soil-depleting base, a deduction will be made from any payment which otherwise would be made with respect to the farm in an amount equal to the result obtained by multiplying such number of excess acres by the rate per acre determined for the farm under section 2 (b) of part II.

2. Part IV of such bulletin is amended to read as follows:

PART IV. CLASSIFICATION OF CROPS

Farm land when devoted to the crops and uses indicated herein after shall be classified as follows, except for such additions or modifications as may be recommended by the State committee or the Agricultural Adjustment Administration and approved by the Secretary. If any acreage on the farm is used for the production of interplanted crops, the actual acreage of each interplanted crop shall be classified in accordance with the following classification:

SECTION 1. Soil-Depleting Crops.—Land devoted to any of the following crops, except as otherwise provided, shall be regarded as used for production of a soil-depleting crop for the year in which such crop is normally harvested:

- a. Corn.
- b. Tobacco.
- c. Potatoes.
- d. Sweetpotatoes.
- e. Truck and vegetable crops, including melons and strawberries.
- f. Grain sorghums and sweet sorghums.
- g. Small grains: Wheat, oats, barley, rye, rape, buckwheat, and grain mixtures (except when used as provided in paragraphs a, c, d, e, f, h, or i of section 2 of this Part IV).
- h. Annual grasses: Sudan, millets, and Italian ryegrass (except when used as provided in paragraphs b or h of section 2 of this Part IV).
- i. Annual legumes: Soybeans, field beans, cowpeas, and field peas (except when used as provided in paragraphs d, h, or i of section 2 of this Part IV).
- j. Commercial bulbs and flowers.

SECTION 2. Soil-Conserving Crops.—Crop land devoted to any of the following crops shall be regarded as used for the production of a soil-conserving crop, except as provided in section 3 (b) of this Part IV below, and except that any land on which a soil-depleting crop is grown for harvest in the same year shall be regarded as having been used for the production of a soil-depleting crop in such year, unless otherwise provided:

- a. *Small grains.*—Rye, barley, oats, buckwheat, rape, wheat, sowed corn, and grain mixtures, winter pastured or not, and turned under as a green-manure crop or, in orchards and vineyards, left on the land as a cover crop.
- b. *Annual grasses.*—Sudan, millets, and Italian ryegrass, turned under as green-manure crops, pastured, or left on the land.
- c. *Perennial grasses.*—Kentucky bluegrass, Canada bluegrass, timothy, rough-stalked meadow grass, perennial ryegrass, orchard grass, redtop, and mixtures of these, without a nurse crop or

with oats, barley, or grain mixtures, as a nurse crop which is cut green or pastured sufficiently to prevent grain formation.

d. *Annual legumes.*—Vetch, winter peas, annual sweet clover, crimson clover, and annual lespedeza, without a nurse crop or with oats, barley, or grain mixtures, as a nurse crop which is cut green or pastured sufficiently to prevent grain formation; soybeans, field peas, field beans, and cowpeas, when turned under as green-manure crops.

e. *Biennial legumes.*—Sweet, red, alsike, and mammoth clovers, and mixtures seeded with at least 40 percent of these by weight, without a nurse crop or with oats, barley, or grain mixtures as a nurse crop.¹

f. *Perennial legumes.*—Alfalfa, white clover, and mixtures seeded with at least 40 percent of these by weight, without nurse crop or with oats, barley, or grain mixtures, as a nurse crop.¹

g. *Forest trees.*—Forest trees planted on crop land since January 1, 1934.

h. *Hay following abandonment of a soil-conserving crop.*—Small grains, annual grasses, and annual legumes, which are harvested for hay, if seeded in 1936 following another soil-conserving crop which was abandoned because of unusual weather conditions: *Provided*, That the State Agricultural Conservation Committee, after investigation, shall designate the counties, if any, in the State where, because of unusual weather conditions in 1936, the amount of planted acreage abandoned in 1936 was abnormally large, and the classification provided in this paragraph h shall apply only in the counties so designated.

i. *Grasses and Legumes Following Grain.*—Any crops included in paragraphs c or d of this section 2 when seeded following a crop of oats, barley, or a grain mixture, which was harvested for hay or pastured in 1936; or any crop included in paragraphs e or f of this section 2, when seeded following a crop of oats, barley, or a grain mixture; *Provided*, That the county committee determines that such grain or grain mixture was seeded in preparation for the soil-conserving crop listed in section d, e, or f of this section 2, and provided further, that unusual weather conditions prevented the seeding of such soil-conserving crop at the time it otherwise would have been seeded had it not have been for such unusual weather conditions.

SECTION 3. Neutral Uses.—Land devoted to the following uses shall be regarded as not used for the production of a soil-depleting crop or a soil-conserving crop, unless otherwise provided:

a. Vineyards, tree fruits, small fruits, nursery stock, and nut trees, not interplanted (if interplanted, the actual interplanted acreage shall be classified according to the interplanted crop).

b. Idle cropland, including cropland which is not used for the production of a soil-depleting crop in 1936 and which before August 15, 1936, is not used for the production of a soil-conserving crop in 1936, except that land which is not used for the production of a soil-depleting crop in 1936, and which, until August 15, 1936, is protected from erosion by a volunteer crop not classified as soil-conserving or soil-depleting, shall be regarded as used for the production of a soil-conserving crop in 1936 if a soil-conserving crop is growing on such land on September 15, 1936.

c. Cultivated fallow land.

d. Wasteland, roads, lanes, lots, yards, and other similar non-cropland.

e. Woodland other than cropland planted to forest trees since January 1, 1934.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 31st day of July 1936.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 1514—Filed, July 31, 1936; 12:41 p. m.]

WR—B-1 Revised—Supplement (b)

Issued July 31, 1936

1936 AGRICULTURAL CONSERVATION PROGRAM—WESTERN REGION

BULLETIN NO. 1, REVISED—SUPPLEMENT (B)

Pursuant to the authority vested in the Secretary of Agriculture under Section 8 of the Soil Conservation and Domestic Allotment Act, Western Region Bulletin No. 1, Revised, as amended by Supplements (a) and (d), is hereby further amended as follows:

SECTION 1. PART I.—Definitions is amended by adding the following sentence at the end of the definition of "Person."

"The term 'person' shall also include, wherever applicable, a State, a political subdivision of a State, or any agency thereof, and any other governmental agencies that may be designated by the Secretary.

¹ See NER—B-1, Revised, Supplement (a), issued June 4, 1936 (1 F. R. 535), with respect to this classification for the counties of Burlington, Mercer, Middlesex, and Monmouth of the State of New Jersey.

SECTION 2. PART II.—Rates and conditions of payment, Section 2, Soil-Conserving Payment, is amended to read as follows:

Payment will be made for each acre diverted in 1936 from the general soil-depleting base, the cotton soil-depleting base, and the tobacco soil-depleting base, which in 1936 is used for the production of any soil-conserving crop, and from which, in 1936, no soil-depleting crop is harvested; *Provided*, That changes in the use of such land which involve the destruction of foods, fibers, or feed grains, will not be approved for payment. The amount of any such payment shall be computed² as follows:

Soil Depleting Crop	Payment for each acre of the base used in 1936 in the manner specified	Maximum acreage with respect to which payment will be made
(a) Crops in the general soil depleting base.	An average for the United States of \$10 per acre, varying among States, counties, and individual farms, as the productivity of the cropland used for these crops varies from the average productivity of all such cropland in the United States. ¹	15 percent of the general soil-depleting base.
(b) Cotton.....	5 cents for each pound of the normal yield per acre of cotton for the farm.	35 percent of the cotton soil-depleting base.
(c) Tobacco.....	5 cents for each pound of the normal yield per acre of tobacco for the farm.	20 percent of the tobacco soil-depleting base.
(d) Sugar beets, flax, and rice.	Payments which will be made with respect to sugar beets, flax, and rice are set forth in sections 3, 4, and 5 respectively.	

¹ The rate per acre will vary among the States and counties depending upon the productivity of the cropland devoted to corn, wheat, oats, barley, rye, buckwheat, grain sorghum, soybeans, dry edible beans, sorghum for syrup, broom corn, potatoes, and sweetpotatoes; and will vary among farms within the county depending upon the productivity of the cropland on the farm as measured by the yield of a major soil-depleting crop in the county. Upon the recommendation of the State committee or the Agricultural Adjustment Administration and approval by the Secretary the rate for any county determined in the manner described above may be adjusted. In making this adjustment such additional factors will be considered as the Secretary determines will more accurately reflect the productivity of the cropland in the county than would be reflected by the use of the factors mentioned above.

SECTION 3. PART II.—Rates and Conditions of Payment, Section 5, Rice, is amended to read as follows:

SECTION 5. Rice.—Payment will be made with respect to any farm on which rice is grown in 1936 to each producer participating in the production of such rice, provided, there is devoted by the producer in 1936 to soil-conserving crops, in addition to the acreage devoted to soil-conserving crops pursuant to the provisions of any other Section herein, an acreage of riceland equal to not less than 25 percent of the base rice acreage of the producer. The amount of such payment to any producer shall be computed as follows:

(a) In the event the acreage planted to rice by the producer in 1936 is equal to not less than 85 percent nor more than 100 percent of his base rice acreage, such payment will be made in the amount of 20 cents for each hundred pounds of the producer's domestic consumption quota of rice;

(b) In the event the acreage planted to rice by the producer in 1936 is less than 85 percent of his base rice acreage, such payment will be made at the rate specified in paragraph (a) above on that proportion of the producer's domestic consumption quota of rice which is equal to the ratio that the producer's 1936 acreage planted to rice bears to 85 percent of such producer's base rice acreage;

(c) In the event the acreage planted to rice by the producer in 1936 is equal to more than 100 percent of the producer's base rice acreage, such payment will be made at the rate specified in paragraph (a) above on that proportion of the producer's domestic consumption quota of rice which remains after deducting 4 percent for each 1 percent by which the 1936 rice acreage exceeds 100 percent of such base rice acreage;

(d) In the event the acreage planted to rice by the producer in 1936 exceeds 125 percent of the producer's base rice acreage, a deduction from any payment which otherwise would be made to the producer pursuant to any of the provisions herein will be made for each acre of such excess acreage at a rate equal to the rate of payment set forth in section 2 (a);

(e) In the event the acreage of riceland devoted by the producer in 1936 to the production of soil-conserving crops, is less than 25 percent of the base rice acreage of the producer there shall be deducted from any payment that otherwise would be due the producer with respect to rice an amount equal to 4 percent of such payment for each 1 percent by which the acreage of riceland devoted by the producer in 1936 to the production of soil-conserving crops is less than 25 percent of the base rice acreage of the producer.

² In computing any soil-conserving payment pursuant to Sections 2 (a), (b), and (c) of this Part II, the computation shall be based upon an acreage no larger than acreage of cropland on the farm used for the production of soil-conserving crops in 1936.

SECTION 4. PART II.—Rates and Conditions of Payment.—Section 7, Minimum Acreage of Soil-Conserving Crops, is amended to read as follows:

SECTION 7. Minimum Acreage of Soil-Conserving Crops.—If the total acreage of soil-conserving crops on cropland on the farm in 1936 does not equal or exceed an acreage equal to the sum of—

- (a) 15 percent of the general soil-depleting base;
- (b) 20 percent of the cotton soil-depleting base;
- (c) 20 percent of the tobacco soil-depleting base;
- (d) 25 percent³ of the sugar beet soil-depleting base;⁴ and
- (e) 20 percent of the flax soil-depleting base;

deduction will be made from any payment other than any soil-building payment which otherwise would be made with respect to the farm pursuant to any provisions herein in an amount computed as follows: Multiply the number of acres by which the total acreage of soil-conserving crops on cropland on the farm in 1936 is less than the total acreage specified in this Section by an amount equal to 1½ times the rate per acre determined for the farm under Section 2 (a) of Part II.

SECTION 5. PART II.—Rates and Conditions of Payment, Section 8, Increase in Acreage of Soil-Depleting Crops, subsection (a) thereof, is amended to read as follows:

If the total acreage of sugar beets, flax, and of the crops in the general soil-depleting base on any farm in 1936 exceeds the sum of the sugar beet, flax, and general soil-depleting bases, a deduction will be made from any payment other than a soil-building payment which otherwise would be made with respect to the farm in an amount equal to the result obtained by multiplying such number of excess acres by the rate per acre determined for the farm under section 2 (a) of part II.

SECTION 6. PART II.—Rates and Conditions of Payment, is amended by adding after section 9 thereof the following new section:

SECTION 10. Association Expenses.—In computing payments hereunder there shall be deducted from the payment to any person with respect to a farm or farms in a county all or such part as shall, under rules prescribed by the Secretary, be determined to be such person's pro rata share of the estimated administrative expenses incurred and to be incurred by the County Agricultural Conservation Association of the county in which such farm or farms are located, in cooperating in carrying out in such county the 1936 Agricultural Conservation Program. As provided in the Articles of Association, as amended, any person who previously has not become a member of the County Agricultural Conservation Association of the county in which his farm or farms are located shall become a member thereof by virtue of his signing an application for payment with respect to such farm or farms.

SECTION 7. PART IV.—Classification of Crops, Section 1, Soil-Depleting Crops, subsection (u) is amended to read as follows:

(u) Soybeans, field beans, cowpeas, field peas, seed peas, canning peas, and vetch when harvested for grain or hay, when pastured, or when used for canning purposes.

In testimony whereof, H. A. Wallace, Secretary of Agriculture, has hereunto set his hand and caused the official seal of the Department of Agriculture to be affixed in the city of Washington, District of Columbia, this 31st day of July 1936.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 1513—Filed, July 31, 1936; 12:41 p. m.]

FEDERAL HOME LOAN BANK BOARD.

Home Owners' Loan Corporation

[Manual Amendment]

APPLICATION OF FUNDS RECEIVED FROM OIL, GAS, OR OTHER MINERALS

Be it resolved, That pursuant to the authority vested in the Board by Home Owners' Loan Act of 1933 (48 Stat. 126, 127), as amended by Sections 1 and 13 of the Act of April 27, 1934

³ Such acreage must be adapted to the production of sugar beets.

⁴ In the States of California, Arizona, and New Mexico, winter cover crops planted between July 15, 1936, and December 1, 1936, and turned under before reaching maturity with a minimum of 80 days' uncut growth may be substituted at a rate of one acre of such winter cover crops for one acre of soil-conserving crops (specified in Section 2, Part IV—Classification of Crops) although such winter cover crops are planted on land from which a soil-depleting crop is harvested in 1936.

(48 Stat. 643-647), and particularly by Sections 4-a and 4-k of said Act, as amended, the Accounting Chapter of both Manuals shall be amended by the addition thereto of a new section to be entitled "Application of Funds Received from Oil, Gas, or Other Minerals on Corporation Security", and to be appropriately numbered, as follows:

Any and all moneys or bonuses payable in oil, heretofore received but not applied, or hereafter received, by the Home Owners' Loan Corporation, from the sale of royalties arising or created from an oil, gas, or mineral lease, or other transaction affecting oil, gas, or other minerals in, on, or under real property, upon which the Corporation holds a lien, shall be credited and applied to the accounts of said Corporation's borrowers or otherwise, as directed by the Regional Manager or any Assistant Regional Manager, with the approval of the Regional Counsel or any Assistant Regional Counsel, unless the General Manager, with the approval of the General Counsel, shall by general or special administrative order direct otherwise.

The General Manager, with the approval of the General Counsel, may prescribe procedure, for general application, or limited to specific trading areas or political or governmental subdivisions within any State.

[SEAL]

R. L. NAGLE, *Secretary*.

[F. R. Doc. 1498—Filed, July 30, 1936; 2:17 p. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of July A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, W. A. Ayres, Robert E. Freer.

[Docket No. 2842]

IN THE MATTER OF FEDERAL ENAMELING AND STAMPING COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered that John W. Addison, an examiner of this Commission, be, and he hereby is, designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered that the taking of testimony in this proceeding begin on Tuesday, August 11, 1936, at ten o'clock in the forenoon of that day (central standard time), at room 316 of the Federal Building, Milwaukee, Wisconsin.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report. By the Commission.

[SEAL]

OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 1500—Filed, July 31, 1936; 10:53 a. m.]

INTERSTATE COMMERCE COMMISSION.

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 24th day of July A. D. 1936.

[Docket No. BMC 13300]

APPLICATION OF CAROLINA COACH COMPANY, FOR AUTHORITY TO OPERATE AS A COMMON CARRIER

In the Matter of the Application of Carolina Coach Company, a Corporation, of 510 East Davie Street, Raleigh, N. C., for a Certificate of Public Convenience and Necessity (Form BMC 2), Authorizing Operation as a Common Carrier by Motor Vehicle in the Transportation of Pas-

sengers, Light Express, and Newspapers, in Interstate Commerce, Over the Following Routes

Route No. 1.—Between Raleigh, N. C., and Atlanta, Ga., via Haw River, N. C., over U. S. Highway 70; thence via Gibsonville, N. C., over State Highways 62, 54, 100; thence via Salisbury, N. C., over U. S. Highway 70, State Highway 100; thence via Greenville, via Lawrenceville, Ga., over U. S. Highway 23, S. C. Highway 13; thence to Atlanta, over U. S. Highways 23, 29.

Route No. 2.—Between Raleigh, N. C. and Norfolk, Va., via Rich Square, over U. S. Highways 64, 258; thence via Sunbury, N. C., over N. C. Highways 305, 30; thence to Norfolk, Va., over U. S. Highway 58, N. C. Highway 30, Va. Highway 10.

Route No. 3.—Between Raleigh and Fayetteville, N. C., via Dunn, over U. S. Highways 15A, 421, 301.

Route No. 4.—Between Raleigh, N. C., and Richmond, Va., via Clarksville, Va., over U. S. Highway 15A; thence via Chase City, Va., over U. S. Highway 58, Va. Highway 46; thence via Blackstone, Va., over Va. Highways 49, 40; thence to Richmond, over U. S. Highways 460, 1.

Route No. 5.—Between Tarboro and Williamson, N. C., over U. S. Highway 64.

Route No. 6.—Between Zebulon and Wilson, N. C., over U. S. Highway 264.

Route No. 7.—Between Durham and Carrboro, N. C., via Chapel Hill, over U. S. Highway 15, State Highway 54.

Route No. 8.—Between Raleigh and Charlotte, N. C., via Carthage, over U. S. Highways 1, 15, State Highway 27.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner W. W. McCaslin for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be set down for hearing before Examiner W. W. McCaslin, on the 17th day of August A. D. 1936, at 9 o'clock a. m. (standard time), at the U. S. Court Rooms, Raleigh, N. C.;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL]

GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 1502—Filed, July 31, 1936; 12:22 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 23rd day of July A. D. 1936.

[Docket No. BMC 29957]

APPLICATION OF TRI-STATE TRANSIT COMPANY OF LOUISIANA, INC., FOR AUTHORITY TO OPERATE AS A COMMON CARRIER

In the Matter of the Application of Tri-State Transit Company of Louisiana, Inc., of 501 Fannin Street, Shreveport, La., for a Certificate of Public Convenience and Necessity (Form BMC 2), Authorizing Operation as a Common Carrier by Motor Vehicle in the Transportation of Persons, Light Express, Mail and Newspapers in Interstate Commerce Over the Following Routes

Route No. 1.—Between Shreveport, La., and Meridian, Miss., via Monroe, La., Vicksburg and Jackson, Miss., over U. S. Highway 80.

Route No. 2.—Between Shreveport and Natchitoches, La., over State Highway 20.

Route No. 3.—Between Shreveport and Alexandria, La., over U. S. Highway 71.

Route No. 4.—Between Shreveport and Lake Charles, La., via Mansfield, Converse, Zwolle, Pleasant Hill, Many, Leesville, and DeRidder, La., over U. S. Highway 171, State Highway 42.

Route No. 5.—Between DeRidder and Lake Charles, La., via Sulphur, La., over State Highway 104, U. S. Highway 90.

Route No. 6.—Between Shreveport, La., and Houston, Tex., via Kickapoo and Logansport, La., Nacogdoches and Lufkin, Tex., over U. S. Highway 171, La. Highway 33, Texas Highway 35.

Route No. 7.—Between Shreveport, La., and Fort Smith, Ark., via Dixie and Ida, La., Texarkana, Ark.-Tex., DeQueen and Mena, Ark., over U. S. Highway 71.

Route No. 8.—Between Shreveport, La., and Texarkana, Ark.-Tex., via Oil City and Vivian, La., Atlanta and Queen City, Tex., over La. Highway 8, Texas Highways 77, 47.

Route No. 9.—Between Shreveport, La., and Hope, Ark., via Arkana, La., Bradley and Lewisville, Ark., over La. Highway 10, Ark. Highway 29.

Route No. 10.—Between Shreveport, La., and Pittsburg, Tex., via Lewis and Trees City, La., Jefferson, Hughes Springs, and Daingerfield, Tex., over La. Highways 8, 202, Texas Highways 49, 11.

Route No. 11.—Between Marshall and Jefferson, Tex., over U. S. Highway 59.

Route No. 12.—Between Shreveport, La., and Camden, Ark., via Minden, La., Magnolia and El Dorado, Ark., over U. S. Highways 79, 82, Ark. Highway 7.

Route No. 13.—Between Ruston, La., and Hot Springs, Ark., via El Dorado, Camden, Fordyce, Princeton, and Malvern, Ark., over U. S. Highways 167, 79, 270, Ark. Highways 7, 8, 9.

Route No. 14.—Between El Dorado and Huttig, Ark., via Strong, Ark., over U. S. Highway 82, Ark. Highway 129.

Route No. 15.—Between Hot Springs and Pine Bluff, Ark., via Malvern, Ark., over U. S. Highway 270.

Route No. 16.—Between Hot Springs and Morrilton, Ark., via Owensville and Perryville, Ark., over U. S. Highway 70, Ark. Highway 9.

Route No. 17.—Between Jackson and Holly Springs, Miss., via Durant, Winona, Grenada, and Oxford, Miss., over U. S. Highway 51, Ark. Highway 7.

Route No. 18.—Between Jackson and Gulfport, Miss., via Hattiesburg, Miss., over U. S. Highway 49.

Route No. 19.—Between Jackson and Columbus, Miss., via Durant, Kosciusko, and Starkville, Miss., over U. S. Highways 51, 82, Miss. Highway 12.

Route No. 20.—Between Starkville and Aberdeen, Miss., via West Point, Miss., over Miss. Highways 23, 25.

Route No. 21.—Between Vicksburg and Natchez, Miss., via Washington, Miss., over U. S. Highway 61.

Route No. 22.—Between Oxford and Tupelo, Miss., over Miss. Highway 6.

Route No. 23.—Between Many and Natchitoches, La., over La. Highway 6.

Route No. 24.—Between Mansfield and Many, La., via Zwolle, La., over La. Highway 42.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner B. E. Stillwell for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be set down for hearing before Examiner B. E. Stillwell, on the 17th day of August A. D. 1936, at 9 o'clock a. m. (standard time), at the Robert E. Lee Hotel, Jackson, Miss.;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL]

GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 1593—Filed, July 31, 1936; 12:23 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 24th day of July A. D. 1936.

[Docket No. BMC 32253]

APPLICATION OF DALLAS JAKWAY FOR AUTHORITY TO OPERATE AS A COMMON CARRIER

In the Matter of the Application of Dallas Jakway, Individual, Doing Business as Michigan Dray Line, of 423 Beach Street, Lansing, Mich., for a Certificate of Public Convenience and Necessity (Form BMC 1), Authorizing Operation as a Common Carrier by Motor Vehicle in the Transportation of Household Goods, Office and Store Fixtures, in Interstate Commerce Between and From Points in the States of Michigan, Ohio, Indiana, and Illinois

It appearing that the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner A. E. Later, for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be set down for hearing before Examiner A. E. Later, on the 19th day of August A. D. 1936, at 9 o'clock a. m. (standard time), at the Federal Building, Lansing, Mich.

It is further ordered, That notice of this proceeding be duly given.

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL]

GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 1595—Filed, July 31, 1936; 12:24 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 24th day of July A. D. 1936.

[Docket No. BMC 59009]

APPLICATION OF H. C. NEWMAN, T. A. NEWMAN, AND E. C. NEWMAN FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER

In the Matter of the Application of H. C. Newman, T. A. Newman, and E. C. Newman, Co-partners, Doing Business as Newman Transportation Company, of 646 North Cherry Street, Box 134, Winston-Salem, N. C., for a Permit (Form

BMC 10, New Operation), Authorizing Operation as a Contract Carrier by Motor Vehicle in the Transportation of Commodities Generally in Interstate Commerce Between Winston-Salem, N. C., and New York, N. Y., via Durham, N. C., Over U. S. Highways 421, 70; Thence Henderson, N. C., Over U. S. Highway 15; Thence New York, N. Y., Via Baltimore, Md., and Philadelphia, Pa., Over U. S. Highways 1 and 13

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner W. W. McCaslin for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be set down for hearing before Examiner W. W. McCaslin, on the 17th day of August A. D. 1936, at 9 o'clock a. m. (standard time), at the U. S. Court Rooms, Raleigh, N. C.;

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 1504—Filed, July 31, 1936; 12:24 p. m.]

ORDER

At a Session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 24th day of July A. D. 1936.

[Docket No. BMC 50160]

APPLICATION OF WILLIAM EDWARD CORL FOR AUTHORITY TO OPERATE AS A CONTRACT CARRIER

In the Matter of the Application of William Edward Corl, Individual, Doing Business as Noon and Bryant, of 743 Halifax Street, Petersburg, Va., for a Permit (Form BMC 10, New Operation), Authorizing Operation as a Contract Carrier by Motor Vehicle in the Transportation of Commodities Generally, with Certain Exceptions, in Interstate Commerce between Petersburg, Va., and New York, N. Y., via Washington, D. C., Baltimore, Md., and Philadelphia, Pa., Over U. S. Highways 1, 40, 13

Also Over Irregular Routes to Various Points Located in the States of Virginia and North Carolina.

It appearing, That the above-entitled matter is one which the Commission is authorized by the Motor Carrier Act, 1935, to refer to an examiner:

It is ordered, That the above-entitled matter be, and it is hereby, referred to Examiner W. W. McCaslin for hearing and for the recommendation of an appropriate order thereon, to be accompanied by the reasons therefor;

It is further ordered, That this matter be set down for hearing before Examiner W. W. McCaslin, on the 19th day of August A. D. 1936, at 9 o'clock a. m. (standard time), at the Hotel Richmond, Richmond, Va.

It is further ordered, That notice of this proceeding be duly given;

And it is further ordered, That any party desiring to be notified of any change in the time or place of the said hearing (at his own expense if telegraphic notice becomes necessary) shall advise the Bureau of Motor Carriers of the Commission, Washington, D. C., to that effect by notice which

must reach the said Bureau within 10 days from the date of service hereof and that the date of mailing of this notice shall be considered as the time when said notice is served.

By the Commission, division 5.

[SEAL] GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 1507—Filed, July 31, 1936; 12:25 p. m.]

CORRECTION

[Fourth Section Application No. 16416]

RATES—MERIDIAN AND BIGBEE RIVER RAILWAY

JULY 31, 1936.

The notice of July 11, 1936,¹ assigning fourth-section application no. 16416 to the above subject matter, is hereby withdrawn and cancelled. This application number will be assigned to another proceeding of which due notice will be given.

[SEAL] GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 1510—Filed, July 31, 1936; 12:27 p. m.]

[Fourth Section Application No. 16416]

CIGARETTES AND TOBACCO FROM NORTH CAROLINA AND VIRGINIA

JULY 31, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: J. E. Telford, Agent.

Commodities involved: Cigarettes, tobacco, with paper wrappers, with or without cigarette papers, carloads; tobacco, smoking, with or without cigarette papers, also with or without pipes, carloads; tobacco, plug or twist, carloads.

From: Points in North Carolina and Virginia.

To: Houston, Dallas, and Fort Worth, Texas.

Grounds for relief: Water competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL] GEORGE B. MCGINTY, Secretary.

[F. R. Doc. 1506—Filed, July 31, 1936; 12:25 p. m.]

[Fourth Section Application No. 16448]

FOREST PRODUCTS FROM SAVANNAH, TENN.

JULY 31, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: Mobile and Ohio Rail Road Company.

Commodities involved: Lumber and articles taking the same rate or rates made with relation to the lumber rates.

From: Savannah, Tenn.

To: Ohio and Mississippi River crossings and points in official territory, via Mobile and Ohio Transportation Co., Selmer, Tenn., Mobile and Ohio Rail Road and connections.

Grounds for relief: Water competition; stub end or feeder line.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate

¹ F. R. 805.

and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL]

GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 1508—Filed, July 31, 1936; 12:26 p. m.]

[Fourth Section Application No. 16449]

COTTONSEED HULLS TO COLORADO, NEW MEXICO, UTAH, AND
WYOMING

JULY 31, 1936.

The Commission is in receipt of the above-entitled and numbered application for relief from long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act,

Filed by: F. A. Leland, Agent.

Commodity involved: Cottonseed hulls, ground or unground, carloads.

From: Points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, Texas, and Mississippi River crossings, Memphis, Tenn., and south.

To: Points in Colorado, New Mexico, Utah, and Wyoming.

Grounds for relief: Carrier competition.

Any interested party desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice; otherwise the Commission may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, division 2.

[SEAL]

GEORGE B. MCGINTY, *Secretary*.

[F. R. Doc. 1509—Filed, July 31, 1936; 12:26 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

SECURITIES ACT OF 1933

AMENDMENT NO. 25 TO INSTRUCTION BOOK FOR FORM A-2

The Securities and Exchange Commission, finding that any information or documents specified in Schedule A of the Securities Act of 1933, as amended, which Form A-2 and the book of instructions accompanying that form, as hereby amended, do not require to be set forth, are inapplicable to the class of securities to which such form is appropriate, and that disclosure fully adequate for the protection of investors is otherwise required to be included in the registration statement, and that such information and documents as Form A-2 and the accompanying book of instructions, as hereby amended, require to be set forth, but which are not specified in Schedule A, are necessary and appropriate in the public interest and for the protection of investors, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Sections 7 and 19 (a) thereof, hereby amends the Instruction Book for Form A-2 by inserting under the heading "Profit and Loss Statement", and immediately before "1. A. Gross Sales Less Discounts, Returns, and Allowances", a new paragraph reading as follows:

The information required by 1. A. and 2. A., below, may be omitted from the statements of any person furnished hereunder, where corresponding information in the latest statements of such person filed pursuant to the Securities Exchange Act of 1934, as amended, has been granted confidential treatment by the Commission pursuant to Section 24 of said Act.

This amendment shall be effective immediately upon publication.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 1521—Filed, July 31, 1936; 1:01 p. m.]

SECURITIES ACT OF 1933

AMENDMENT NO. 26 TO INSTRUCTION BOOK FOR FORM A-2

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933,

as amended, particularly subsections (2), (3), and (4) of Section 10 and Section 19 (a) of the Act, and finding that the requirements as hereinbelow amended regarding information to be contained in prospectuses for the classes of securities and issuers to which such requirements are applicable are necessary and appropriate in the public interest and for the protection of investors, and that the statements made in registration statements which are permitted under the requirements as hereinbelow amended to be omitted from prospectuses are not necessary or appropriate in the public interest or for the protection of investors for the class of prospectuses and issuers to which such requirements are applicable, hereby amends the Instruction Book for Form A-2 as follows:

(a) Under the heading, "I—Instructions as to Prospectuses Other Than Newspaper Prospectuses",

(1) Subdivision (e) of paragraph 6 is amended to read:

(e) The Signatures and Consents of Experts and the consents required to be filed by Rule 672;

(2) A semicolon is substituted for the period after the word "exhibits" in subdivision (h) of paragraph 6; and there is inserted after said subdivision (h) a new subdivision, (i), reading as follows:

(i) The undertaking required to be filed by Rule 730.

(b) Under the heading, "II—Instructions as to Newspaper Prospectuses",

(1) Subdivision (e) of paragraph 7 is amended to read:

(e) The Signatures and Consents of Experts and the consents required to be filed by Rule 672;

(2) A semicolon is substituted for the period after the word "exhibits" in subdivision (g) of paragraph 7; and there is inserted after said subdivision (g) a new subdivision, (h), reading as follows:

(h) The undertaking required to be filed by Rule 730.

The foregoing amendment shall be effective immediately upon publication.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 1520—Filed, July 31, 1936; 1:01 p. m.]

SECURITIES ACT OF 1933

ADOPTION OF RULE 672

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Section 7 and 19 (a) thereof, and finding that the amendment and rule hereby adopted are necessary to carry out the provisions of the Act and are necessary and appropriate in the public interest and for the protection of investors, hereby takes the following action:

I. Caption "G. Written Consents of Experts" in Article 3 of Regulation C of the "General Rules and Regulations under the Securities Act of 1933", is amended by striking out the words "of Experts."

II. A new rule is adopted, designated Rule 672, and reading as follows:

RULE 672. *Written Consents of Persons Named in the Registration Statement as Being or About to Become Directors or Partners.*—If any person who has not signed the registration statement is named therein as being or about to become a director, person performing similar functions, or partner, the written consent of such person shall be filed with the registration statement. Any such consent, however, may be omitted if there is filed with the registration statement a statement by the registrant, supported by an affidavit or affidavits, setting forth the reasons for such omission and establishing that the obtaining of such consent is impracticable or involves undue hardship on the registrant. All consents filed pursuant to this rule shall be attached after the signature page of the registration statement and immediately fol-

lowing the consents of experts and list of consents, if any, filed pursuant to Rule 670.

The foregoing amendment and rule shall be effective immediately upon publication.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 1519—Filed, July 31, 1936; 1:00 p. m.]

SECURITIES EXCHANGE ACT OF 1934

AMENDMENT OF RULE AN21

The Securities and Exchange Commission, deeming it necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, and particularly Sections 3 (a) (12), 10 (b), and 23 (a) thereof, hereby amends paragraph (a) of Rule AN21 by deleting the word "seventy-fifth" and inserting in lieu thereof the words "one hundred and thirty-fifth", so that, as amended, said paragraph (a) shall read as follows:

(a) Evidences of indebtedness (i) which have been issued by any foreign state that is presently governed by an interim government which is holding office temporarily and which is to continue to hold such office only until the assumption thereof by a regular government which has been elected and (ii) as to which temporary exemption from the operation of Section 12 (a) shall expire pursuant to the terms of Rule AN-7 on May 15, 1936, and as to which registration shall not be effective on that date, shall be exempt from the operation of said Section 12 (a) to and including the one hundred thirty-fifth day following the assumption of office by such elected regular government.

This amendment shall be effective immediately upon publication.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 1518—Filed, July 31, 1936; 1:00 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of July A. D. 1936.

[File No. 32-30]

IN THE MATTER OF CENTRAL VERMONT PUBLIC SERVICE CORPORATION

NOTICE OF HEARING AND ORDER DESIGNATING TRIAL EXAMINER

An application having been duly filed with this Commission, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, by Central Vermont Public Service Corporation, a subsidiary company of New England Public Service Company, a registered holding company, for exemption from the provisions of Section 6 (a) of said Act, of the issue and sale by applicant of not exceeding \$7,300,000 principal amount of its First Mortgage Bonds, maturing August 1, 1966, and bearing interest at the rate of not more than 4% per annum;

It is ordered, that such matter be set down for hearing on August 17, 1936, at 10:00 o'clock in the forenoon of that day, at Room 726-C, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.

Notice of such hearing is hereby given to the applicant and to any interested State, State commission, State securities commission, municipality, and any other political subdivision of a State, and to any representative of interested consumers or security holders, and any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before August 12, 1936.

It is further ordered, that Robert P. Reeder, an officer of the Commission, be and he hereby is designated to preside at

such hearing, and authorized to adjourn said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

Upon the completion of the taking of testimony in this matter, the officer conducting said hearing is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 1522—Filed, July 31, 1936; 1:01 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of July, A. D. 1936.

IN THE MATTER OF GENERAL INDUSTRIES CORPORATION, LTD., OFFERING SHEET OF A ROYALTY INTEREST IN MID-CONTINENT-CAMPBELL FARM

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING A TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet filed by General Industries Corporation, Ltd., on the 24th day of July 1936, covering a certain royalty interest in the property described therein as Mid-Continent-Campbell Farm is incomplete or inaccurate in the following material respects, to wit:

1. In that the answers required to Items 18 (a) (v) and (vi) in Division II have been omitted.
2. In that Item 3, Division III has not explained how each factor used was determined for the particular tract.
3. In that reasons for the use of each particular factor in combination with each of the other factors have been omitted from Item 3, Division III.
4. In that in Item 3, Division III, no consideration has been given to the fault which probably crosses the tract as to its probable bearing on productive area of the second Wilcox sand.
5. In that no consideration has been given in Division III to the volumetric shrinkage due to the liberation of gas in solution and the reduction in pressure and temperature from reservoir to atmospheric.
6. In that the statement in Item 3, Division III, that "there is nothing at the present time that indicates that it may not be productive" is believed to be untrue.
7. In that the statement in Item 3, Division III that "Second Wilcox under the Campbell lease will in all probability have a thickness to exceed 200 feet" is not believed to be true.
8. In that the total recoverable oil stated in Item 3, Division III is miscalculated.
9. In that Items 4 (c) and (d) in Division III are incorrect.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and the same hereby is, suspended until the 29th day of August 1936; that an opportunity for hearing be given to the said General Industries Corporation, Ltd., for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension should be revoked or continued; and

It is further ordered, that Robert P. Reeder, an officer of the Commission be, and he hereby is, designated as Trial Examiner to preside at such hearing, to adjourn the said

hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to such offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that the taking of testimony in this proceeding begin on the 14th day of August 1936, at 11:00 o'clock in the forenoon of that day at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said officer may designate.

Upon the completion of testimony in this matter the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 1517—Filed, July 31, 1936; 1:00 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of July A. D. 1936.

IN THE MATTER OF ROYAL PETROLEUM CORPORATION OFFERING SHEET OF A ROYALTY INTEREST IN MAGNOLIA-SIMPSON FARM

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)), AND ORDER DESIGNATING A TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet filed by Royal Petroleum Corporation on the 24th day of July 1936, covering a certain royalty interest in the property described therein as Magnolia-Simpson Farm is incomplete or inaccurate in the following material respects, to wit:

1. In that the engineer's estimate of 93 feet productive thickness and of 93,000 barrels per acre in Item 3, Division III, are higher than published estimates by other informed engineers.

2. In that no reasons are given in Item 3, Division III, for the selection of the leases chosen for comparison in view of the much lower average recoveries per acre from the pools where the selected leases are located.

3. In that insufficient reasons are given in Item 3, Division III, for the comparison with respect to the oil recoverable from the Hunton Lime.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and the same hereby is, suspended until the 14th day of August 1936; that an opportunity for hearing be given to the said Royal Petroleum Corporation for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension should be revoked or continued; and

It is further ordered, that Robert P. Reeder, an officer of the Commission be, and he hereby is, designated as Trial Examiner to preside at such hearing, to adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to such offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that the taking of testimony in this proceeding begin on the 14th day of August 1936, at 3:00 o'clock in the afternoon of that day at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said officer may designate.

Upon the completion of testimony in this matter the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 1515—Filed, July 31, 1936; 12:59 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of July A. D. 1936.

IN THE MATTER OF T. G. THOMPSON OFFERING SHEET OF A ROYALTY INTEREST IN MARATHON DAHL FARM

SUSPENSION ORDER, ORDER FOR HEARING (UNDER RULE 340 (A)) AND ORDER DESIGNATING A TRIAL EXAMINER

The Securities and Exchange Commission, having reasonable grounds to believe, and therefore alleging, that the offering sheet filed by T. G. Thompson on the 24th day of July 1936 covering a certain royalty interest in the property described therein as Marathon Dahl Farm is incomplete or inaccurate in the following material respects, to wit:

1. In that date upon which the information will be out of date is miscalculated.

2. In that the last part of paragraph 2 in Item 13, Division II, does not seem supported by sufficient facts in view of the offeror's election to omit Division III as indicated by the answer to Item 19, Division II, and hence appears unwarranted.

It is ordered, pursuant to Rule 340 (a) of the Commission's General Rules and Regulations under the Securities Act of 1933, as amended, that the effectiveness of the filing of said offering sheet be, and the same hereby is, suspended until the 29th day of August 1936; that an opportunity for hearing be given to the said T. G. Thompson for the purpose of determining the material completeness or accuracy of the said offering sheet in the respects in which it is herein alleged to be incomplete or inaccurate, and whether the said order of suspension should be revoked or continued; and

It is further ordered, that Robert P. Reeder, an officer of the Commission, be, and he hereby is, designated as Trial Examiner to preside at such hearing, to adjourn the said hearing from time to time, to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, consider any amendments to such offering sheet as may be filed prior to the conclusion of the hearing, and require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, that the taking of testimony in this proceeding begin on the 14th day of August 1936, at 2:00 o'clock in the afternoon of that day at the office of the Securities and Exchange Commission, 18th Street and Pennsylvania Avenue, Washington, D. C., and continue thereafter at such times and places as said officer may designate.

Upon the completion of testimony in this matter the officer is directed to close the hearing and make his report to the Commission.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 1516—Filed, July 31, 1936; 12:59 p. m.]

